

Remarks

The specification has been amended to add the claims to priority as suggested by the Examiner.

The specification at page 53 and 54 has been amended to include the TM symbol as requested by the Examiner. Applicants note that GenBank is not a trademark.

The specification has been amended to add the SEQ ID NOs for the sequences found in Figures 4a, as suggested by the Examiner.

Figure 4a is amended to show the SEQ ID NOs.

The Sequence Listing is amended to add the signal sequences shown in Figure 4a. Furthermore, SEQ ID NO. 22 is corrected to include a Ser at residue 396 as found in the originally filed specification. This discrepancy in the sequence was noted by the Examiner. The correct residue Ser is also printed in the human sequence in the original Figure 4 at 4b.

The undersigned hereby states that the content of the Substitute Sequence Listing attached and that of the version submitted on CD (as a computer readable form) is the same. Further, the undersigned hereby states that no new matter enters with the Substitute Sequence Listing.

Claims 31, 33 and 35 have been amended to refer to specific SEQ ID NOs and an isolated polypeptide.

Application No.: 10/759,256
Response to Office Action of May 9, 2007
Reply and Amendment dated November 9, 2007

The amendments and listing of claims above fully comply with the requirements of 37 C.F.R. § 1.121. Further, the amendment to the specification fully complies with the requirements of 37 C.F.R. § 1.121.

No new matter enters by these amendments.

Applicants have attached a Supplemental Application Data Sheet as suggested by the Examiner.

Regarding applicants claims to priority and the sequences in the Sequence Listing, applicants note that the discrepancy in residue 396 has been corrected. As noted above, the originally filed SEQ ID NO 22 and the originally filed Figure 4b contain the Ser at residue 396.

Rejection under 35 U.S.C. § 101

Claims 31, 33, and 35 are rejected as they allegedly do not distinguish the claimed polypeptides from naturally occurring polypeptides. As suggested by the Examiner, the term "isolated" has been inserted into claim 31. This rejection is now moot.

Rejection under 35 U.S.C. § 112

Claims 31, 33, and 35 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description and enablement requirements.

Application No.: 10/759,256
Response to Office Action of May 9, 2007
Reply and Amendment dated November 9, 2007

Applicants have amended claims 31, 33, and 35. The amended claims do not refer to parts or derivatives. Furthermore, the Examples show the effect of the BMP1 sequences on cell growth and p53 binding and explains the similarity of murine and human forms. Accordingly, applicants submit that the amended claims are fully enabled and adequately described by the specification.

Rejections under 35 U.S.C. § 102

Claims 31, 33, and 35 stand rejected under 35 U.S.C. § 102 as allegedly anticipated by Chen.

The Examiner refers to a protein in Chen. However, the sequences recited in the amended claims are not discussed in Chen. Accordingly, applicants submit that Chen cannot anticipate the amended claims.

Claims 31, 33, and 35 stand rejected under 35 U.S.C. § 102 as allegedly anticipated by Olsen.

The sequences noted by the Examiner are not recited in the amended claims. Accordingly, applicants submit that Chen cannot anticipate the amended claims.

Having fully responded to the Office Action and shown that the application is now in condition for allowance, applicants request prompt notice of allowance.

If there are any fees due with the filing of this paper not accounted for, applicants respectfully request that any and all fees be charged to Deposit Account No. 50-1129,

Application No.: 10/759,256
Response to Office Action of May 9, 2007
Reply and Amendment dated November 9, 2007

with reference to Attorney Docket No. 80375.0037. If any extension of time request or any petition is required for the entry of this paper, applicants hereby request the extension necessary. The undersigned authorizes the extension fee payment, as well as any other fee payment necessary or missing or not accounted for, from Deposit Account No. 50-1129, with reference to Attorney Docket No. 80375.0037.

Dated: November 9, 2007

Respectfully submitted,

By:



David J. Kunk, Esq.
Reg. No. 36,576
Heather H. Ramirez, Esq.
Reg. No. 57,369

WILEY REIN LLP
Attn: Patent Administration
1776 K Street, N.W.
Washington, D.C. 20006
Telephone: 202.719.7000
Facsimile: 202.719.7049

12735778.1